

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
Bid Protest

GOVCIO, LLC,

Plaintiff,

v.

THE UNITED STATES,

Defendant,

and

IRON MOUNTAIN INFORMATION
MANAGEMENT, LLC,

Defendant-Intervenor.

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Case No. 25-809
(Judge Elani M. Roumel)

JOINT STATUS REPORT

Pursuant to the Court’s Minute Order dated May 14, 2025, and the Rules of the United States Court of Federal Claims, Appendix C ¶¶ 8 and 15, GovCIO, LLC (“GovCIO”), the United States, and Iron Mountain Information Management, LLC (“Iron Mountain”) provide this Joint Status Report. The Parties’ respective proposed briefing schedules are set forth below.

PLAINTIFF’S PROPOSED SCHEDULE

Event	Date
Plaintiff’s Motion for a Preliminary Injunction	May 16, 2025
Defendant’s and Defendant-Intervenor’s Opposition to Motion for Preliminary Injunction	May 23, 2025
Defendant produces preliminary administrative record of relevant documents	May 23, 2025
Plaintiff’s Reply to Opposition to Motion for Preliminary Injunction	May 28, 2025
Hearing on Motion for Preliminary Injunction	June 3, 4, or 5, 2025

Joint Status Report to propose further schedule	7 days after the Court's ruling on the preliminary injunction motion
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DEFENDANT AND DEFENDANT-INTERVENOR'S PROPOSED SCHEDULE

Event	Date
The United States provides the administrative record to the Court and the parties	May 30, 2025
Plaintiff files its Motion for Judgment on the Administrative Record	June 6, 2025
Defendant and Defendant-intervenor file their Cross-Motions for Judgment on the Administrative Record	June 13, 2025
Plaintiff's Reply	June 17, 2025
Defendant and Defendant-intervenors' Replies	June 20, 2025
Oral argument, if requested by Court	June 23, 24, or 25, 2025

APPENDIX C ¶ 8

a) Identification of interested parties.

Statement of the Parties: The interested parties are GovCIO, the United States, and Iron Mountain.

b) Admission of any successful offeror as an intervenor.

Statement of the Parties: The Court has already admitted Iron Mountain, the awardee under Request for Quotation No. 2023H1-25-Q-00029, as an intervenor. The parties do not anticipate any other intervenors.

c) Any request for temporary or preliminary injunctive relief.

Statement of the Parties: Yes. On May 16, 2025, GovCIO filed a motion for preliminary injunction.

d) The content of a protective order, if requested by one or more of the parties, and the requirement for redacted copies.

Statement of the Parties: The Court has already entered a Protective Order. *See* ECF Dkt. No. 6.

e) The content of and time for the service of the administrative record, and the filing of the joint appendix.

Statement of the Defendant: The United States proposes to submit the Administrative Record, in accordance with Appendix C of the Rules of the United States Court of Federal, pursuant to the proposed expedited merits briefing schedule above. The Defendant-Intervenor concurs.

Statement of the Plaintiff: To expedite consideration of GovCIO's motion for a preliminary injunction, GovCIO proposes that the United States produce a preliminary administrative record containing relevant documents on May 21, 2025. The preliminary record would include at least:

- The IRS's acquisition plan for the subject SCaaS task order awarded to Iron Mountain
- Communications with Iron Mountain relating to its qualifications and ability to perform the SCaaS task order, and negotiation of the contract, including those that pre-date the RFI
- All responses to the RFI issued in connection with this procurement
- The Justification and Approval for the sole-source award under RFQ No. 2023H1-25-Q-00029
- Any and all market research conducted for the subject procurement
- Iron Mountain's awarded task order

f) Whether it may be appropriate to supplement the administrative record.

Statement of the Parties: The parties do not currently anticipate the need to supplement the record.

g) The nature of and schedule for further proceedings.

Statement of the Parties: The Parties' respective proposed schedules for merits briefing are

set forth above. As noted above, GovCIO proposes that the parties file a joint status report proposing a new schedule within seven days of the Court's ruling on GovCIO's motion for a preliminary injunction.

APPENDIX C ¶ 15

a) Whether and to what extent, absent temporary or preliminary injunctive relief, the court's ability to afford effective final relief is likely to be prejudiced.

Statement of the Defendant: The United States contends that plaintiff GovCIO will not be prejudiced by this Court ordering this case to be briefed on an expedited schedule in lieu of addressing the motion for preliminary injunction. The United States contends that a preliminary injunction is unwarranted in this case as plaintiff GovCIO has effectively conceded that it will not be harmed by the agency's continued performance over the next few months. *See* Compl. ¶¶ 5, 10 (ECF 1). Moreover, plaintiff GovCIO has also conceded in its complaint that it is at present ineligible to perform the services being procured under the sole source agreement it challenges because it is not presently qualified, nor has it partnered with a qualified entity, to perform under the IRS's Modernized eFile requirements. *See id.* ¶¶ 57, 66. The Defendant-Intervenor concurs.

Statement of the Plaintiff: GovCIO believes that the ability of the Court to afford effective final relief will likely be prejudiced for the reasons stated in its motion for a preliminary injunction. GovCIO disputes the Defendant's contentions above, also for the reasons set forth in the motion for a preliminary injunction.

b) Whether plaintiff has discussed any request it has made for a temporary restraining order in advance with Department of Justice counsel and, if so, defendant's response.

Statement of the Parties: GovCIO has filed a motion for a preliminary injunction and not a request for a temporary restraining order.

c) Whether the government will agree to withhold award or suspend performance pending a hearing on the motion for preliminary injunction.

Statement of the Defendant: The United States intends to continue performing under the awarded sole-source agreement during the pendency of the expedited merits briefing, as these services are necessary. Indeed, because of the necessary nature of these services, the IRS issued a determination and finding before the Government Accountability Office (GAO) to override the automatic CICA stay implemented pursuant to the initiation of that protest. *See* Compl., ¶¶ 39-43. We note that once the GAO protest is dismissed, the CICA stay would expire and the override would become moot. And we understand that the GAO protest has now been dismissed pursuant to GAO's rules because the complaint in this case so largely overlaps with the allegations in the GAO protest, which means the override is now moot.

d) Whether the government will agree to withhold award or suspend performance pending a final decision on the merits.

Statement of the Defendant: The United States intends to continue performing under the awarded sole-source agreement during the pendency of the expedited merits briefing, as these services are necessary. As noted, because of the necessary nature of these services, the IRS issued a determination and finding before the GAO to override the automatic CICA stay implemented pursuant to the initiation of that protest. *See* Compl., ¶¶ 39-43.

e) An appropriate schedule for completion of the briefing on any motion for a preliminary injunction.

Statement of the Parties: The parties propose the respective proposed expedited merits briefing schedules set forth above.

f) The security requirements of RCFC 65(c) (See Appendix of Forms, Forms 11– 13).

Statement of the Parties: In the event the Court orders briefing on the preliminary injunction request, the government will request proposed security pursuant to RCFC 65. GovCIO

will respond in its reply.

g) Whether the hearing on the preliminary injunction should be consolidated with a final hearing on the merits.

Statement of the Plaintiff: GovCIO does not believe the Court's consideration of the final merits should be consolidated within its hearing on the preliminary injunction due to the fact that the government likely cannot produce the full administrative record in sufficient time for the Court to consider GovCIO's request for preliminary relief.

Statement of the Defendant: The United States contends that expedited briefing would obviate the need for preliminary injunction briefing. The Defendant-Intervenor concurs.

OTHER ISSUES

The United States is requesting the Court's permission to have Ms. Corrinne A. Niosi appear on behalf of defendant at the initial status conference scheduled for 1pm on Tuesday, May 20, 2025, instead of attorney of record Mr. Vincent D. Phillips. Mr. Phillips has pre-planned leave scheduled on that date and will be in an area of Pennsylvania without any reliable cellular service. The United States apologizes for any inconvenience this may cause the Court. Record counsel would have included this in our response to the Court's email inquiry on the morning of Wednesday, May 14, 2025, seeking the parties' availability on certain days. Unfortunately, record counsel was unable to respond quickly enough following plaintiff's email notice that it intended to file a motion for preliminary injunction, information which led to the present scheduling of the initial conference. However, Ms. Niosi is available on that date, and will be prepared to address all pertinent matters.

Defendant-Intervenor also requests the Court's permission to have Mr. Issac D. Schabes appear on behalf of Iron Mountain at the initial status conference, instead of the attorney of record, Mr. Daniel R. Forman. Mr. Forman has a last-minute conflict and will be

traveling at that time. Defendant-Intervenor apologizes for any inconvenience this may cause the Court. Mr. Schabes is available and will be prepared to address all pertinent matters.

Plaintiff has no objection to either request.

Dated: May 16, 2025

Respectfully submitted,

VENABLE LLP

s/James Y. Boland

James Y. Boland (Counsel of Record)

Emily R. Marcy

1850 Towers Crescent Plaza, Suite 400

Tysons, Virginia 22182

(703) 760-1997

jyboland@venable.com

Lindsay M. Reed

600 Massachusetts Avenue, NW

Washington, DC 20001

Counsel for GovCIO, LLC

s/Daniel R. Forman

Daniel R. Forman (Counsel of Record)

Issac D. Schabes

Emily P. Golchini

Crowell & Moring LLP

1001 Pennsylvania Ave., N.W.

Washington, D.C. 20004-2595

Tel. (202) 624-2504

Fax (202) 628-5116

DForman@crowell.com

*Counsel for Iron Mountain Information
Management, LL*

YAAKOV M. ROTH
Acting Assistant Attorney General

PATRICIA M. McCARTHY
Director

/s/ Corinne A. Niosi
CORINNE A. NIOSI
Assistant Director

/s/ Vincent D. Phillips, Jr.
VINCENT D. PHILLIPS, JR.
Senior Trial Counsel
Commercial Litigation Branch
Civil Division
U.S. Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, DC 20044
Telephone: (202) 305-4591
Email: Vincent.Phillips2@usdoj.gov

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